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OFFICE OF PETITIONS

PATENT

Practitioner's Docket No. 115699-32

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Forbes, Mohamed A. Khattab

Application No.: 09/804,406

Group No.: 3617

Filed: 03/12/2001

Examiner: Jules, Frantz F.

For: DROPPED DECK CENTER BEAM RAILROAD CAR STRUCTURE

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SCHEDULED FOR ISSUE ON 9 DECEMBER 2003 AS  
6,659,016Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SPECIAL PROCEDURES TRANSMISSION

PETITION UNDER (37 C.F.R. § 1.313(c))  
WITHDRAWAL FROM ISSUE—ISSUE FEE PAID

1. Applicant petitions that the above identified application be withdrawn from issue. The issue fee was paid on August 5, 2003.
2. Reason for withdrawal from issue:

The reason applicant seeks withdrawal from issue of this application is:

consideration of a request for continued examination that is believed to be necessary to include entry of a priority claim under 35 USC 120

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (703) 535-5306

Signature

Date:

4 Dec. 2003

STEPHEN L GRANT  
(type or print name of person certifying)

\* Only the date of filing ("1.6") will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under "1.8" continues to be taken into account in determining timeliness. See "1.703(f)". Consider "Express Mail Post Office to Addressee" ("1.10") or facsimile transmission ("1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition under 37 C.F.R. § 1.313(c) Withdrawal From Issue Issue Fee Paid--page 1 of 2

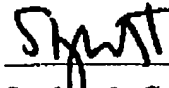
## 3. Petition fee (37 CFR § 1.17(i)):

Charge Account 15-0450, \$130.00.

A duplicate of this petition is attached.

## 4. Copy of Request for Continued Examination and associated papers :

- a. Petition to Claim Benefit under 35 USC 120 of a prior copending nonprovisional application
- b. Request for Continued Examination
- c. Preliminary amendment accompanying RCE



Stephen L. Grant  
Hahn Loeser & Parks LLP  
1225 W. Market St.  
Akron, OH 44313  
USA

# 23

Practitioner's Docket No. 115699-32

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Forbes; Mohamed A. Khattab

Application No.: 09/804,406

Group No.: 3617

Filed: March 12, 2001

Examiner: Jules, Frantz F.

For: DROPPED DECK CENTER BEAM RAILROAD CAR STRUCTURE

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OFFICE OF PETITIONS

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. 120, 121, OR 365(C) OF A PRIOR  
COPENING NONPROVISIONAL APPLICATION OR INTERNATIONAL APPLICATION  
DESIGNATING THE UNITED STATES OF AMERICA  
(37 C.F.R. 1.78(a)(3))

1. Applicant hereby petitions, in accordance with § 1.78(a)(3), to claim the benefit, for this application under 35 U.S.C. 120 of prior copending nonprovisional application no.: 09/705,056; filing date: November 2, 2000.
2. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.
3. The surcharge fee set forth in § 1.17(t) required by 37 C.F.R. 1.55(c)(1), is paid as follows:

## CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
Express Mail certification is *optional*.)

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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## TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (703) 872-9306

Date:

4 Dec. 2003

Signature

STEPHEN L GRANT

(type or print name of person certifying)

\* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(f). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Claim Benefit Under 35 U.S.C. 120, 121, or 365(c) of a Prior Copending Nonprovisional Application  
or International Application Designating the United States of America--page 1 of 2

This paper is accompanied by a Request for Continued Examination in the case and a preliminary amendment for the RCE, in order to add the necessary reference to the parent application in the specification.

Authorization is hereby made to charge the amount of \$1,300.00 to Deposit Account No. 15-0450.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date:

4 Dec 2003

Reg. No.: 33390

Tel. No.: 614-233-5104

Customer No.: 021324

  
\_\_\_\_\_  
Signature of Practitioner

Stephen L. Grant

Hahn Loeser & Parks LLP

1225 W. Market St.

Akron, OH 44313

USA

#20

PTO/SB/30 (08-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/804,406
Filing Date	March 12, 2001
First Named Inventor	James W. Forbes
Art Unit	3617
Examiner Name	Jules, Frantz F.
Attorney Docket Number	115699-32

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

- ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☒ Amendment/Reply

- ii. ☐ Affidavit(s)/ Declaration(s)

- iii. ☐ Information Disclosure Statement (IDS)

- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☒ Deposit Account No. 15-0450

- i. ☒ RCE fee required under 37 CFR 1.17(e)

- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

- iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Stephen L. Grant	Registration No. (Attorney/Agent)	33390
Signature	<i>[Signature]</i>	Date	December 4, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Stephen L. Grant	Date	December 4, 2003
Signature	<i>[Signature]</i>	Date	December 4, 2003

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

#21

Ser. No. 09/804,406

- 1 -

Preliminary Amendment accompanying RCE of 4 December 2003

Atty Docket 115699.00032

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Title: DROPPED DECK CENTER BEAM RAILROAD CAR  
STRUCTURE  
Inventor: James W. Forbes, et al  
Assignee: National Steel Car  
Filed: 12 March 2001  
Serial No: 09/804,406  
Art Unit: 3617  
Examiner: Frantz F. Jules

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**PRELIMINARY AMENDMENT ACCOMPANYING RCE****OFFICIAL**

This letter accompanies the filing of a Request for Continued Examination. No fees are believed to be due as a part of this amendment.

According to the rules of practice effective from 31 July 2003:

Amendments to the Specification begin on page 2;

Remarks begin on page 3.

No amendments are made to the drawings or the claims.

Ser. No. 09/804,406

- 2 -

Preliminary Amendment accompanying RCE of 4 December 2003

Atry Docket 115699.00032

**AMENDMENTS TO THE SPECIFICATION**

Please amend the specification by inserting the following unnumbered paragraph after the title and before paragraph [0001]:

5 This application is a continuation in part of application serial number 09/705,056, filed 2 November 2000, now abandoned.

Ser. No. 09/804,406

- 3 -

Preliminary Amendment accompanying RCE of 4 December 2003

Atty Docket 115699.00032

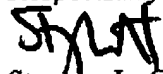
Remarks

This case has been allowed previously with the identical claims now presented. The present Request for Continued Examination is filed to include a reference to a parent case, US serial no. 09/705,056, filed 2 November 2000, which was pending on the filing date of the present application, that is, on 12 March 2001, and is now abandoned. The present application is a continuation in part of the parent case and has a common inventor, to wit, James W. Forbes.

Upon proper entry of the priority claim, the case should be allowable. The base issue fee has been previously paid. This filing is made to provide the applicant the opportunity to comply with 37 CFR 1.78.

In view of the foregoing arguments and claim amendments the applicant submits that the claims are in a condition to permit allowance. Therefore the applicant requests early and favourable disposition of this application.

Respectfully submitted,



Stephen L. Grant

Reg. No. 33,390

Hahn Loeser + Parks LLP

1225 W. Market St.

Akron, OH 44313

slgrant@hahnlaw.com

614-233-5104

Fax 330-864-7986